



## Denman Island Local Trust Committee Minutes of Regular Meeting

**Date:** July 19, 2022  
**Location:** Denman Activity Centre  
 1111 Northwest Rd, Denman Island, BC

**Members Present:** Sue Ellen Fast, Chair  
 David Critchley, Local Trustee  
 Laura Busheikin, Local Trustee

**Staff Present:** Sonja Zupanec, Island Planner  
 Warren Dingman, Bylaw Compliance and Enforcement Manager  
 Heather Kauer, Regional Planning Manager (via telephone)  
 Vicky Bockman, Recorder

**Others Present:** None

### 1. CALL TO ORDER

*"Please note, the order of agenda items may be modified during the meeting. Times are provided for convenience only and are subject to change."*

Chair Fast called the meeting to order at 10:32 am. She acknowledged that the meeting was being held in territory of the Coast Salish First Nations, introduced Trustees and staff, and announced that this meeting is being recorded for posting on the Islands Trust website.

### 2. APPROVAL OF AGENDA

By general consent the agenda was approved.

### 3. RISE AND REPORT - none

### 4. REPORTS

#### 4.1 Trustee Reports

Trustee Busheikin reported that she attended the Baynes Sound Lambert Channel Ecosystem forum.

Trustee Critchley provided a summary of meetings attended:

- Baynes Sound Lambert Channel Ecosystem forum;
- Trust Council-several actions were summarized; details can be found on the Islands Trust website;
- Trust Programs Committee-considering Trust Policy Statement amendments.

#### 4.2 Chair's Report

Chair Fast noted her attendance at the following:

- Climate Leaders Institute program;

- Bowen Island Municipal Council;
- Trust Council;
- Executive Committee.

#### **4.3 Electoral Area Director's Report - none**

#### **5. DELEGATIONS - none**

#### **6. TOWN HALL - none**

#### **7. MINUTES**

##### **7.1 Local Trust Committee Special Meeting Minutes dated May 30, 2022 - for adoption**

**By general consent** the Special Meeting minutes dated May 30, 2022 were adopted.

##### **7.2 Local Trust Committee Minutes dated May 31, 2022 - for adoption**

The following amendment was considered:

- Page 5, fourth line, change “believes” to “said”.

**By general consent** the minutes dated May 31, 2022 were adopted as amended.

##### **7.3 Local Trust Committee Public Hearing Record dated May 30, 2022 - for receipt**

**By general consent** the Public Hearing Record dated May 30, 2022 was received.

##### **7.4 Section 26 Resolutions-Without-Meeting Report - none**

##### **7.5 Advisory Planning Commission Minutes dated June 14, 2022 - for receipt**

Local Trust Committee (LTC) members noted a correction to be made:

- that “Hornby Island” be replaced with “Denman Island” in the heading and in item 3.1.

#### **8. BUSINESS ARISING FROM MINUTES**

##### **8.1 Follow-up Action List dated July 11, 2022**

Planner Zupanec reported that a presentation regarding K'ómoks First Nation Treaty negotiations is in the process of being scheduled.

##### **8.2 Enforcement Policy on Unlawful Dwellings - Staff Report**

Bylaw Compliance and Enforcement Manager Dingman presented the staff report that responds to a request from the LTC to provide input on a suggested amendment to Standing Resolution No. 7 DE-2019-056/DE-021-015 proposed at the March LTC meeting. He provided an update on the current number of open files for unlawful dwellings on Denman Island and confirmed that Bylaw staff are not issuing eviction notices and further, it is not clear if Bylaw Compliance and Enforcement has the legislative authority to do so.

Trustees discussed possible amendments to standing resolutions regarding unlawful dwellings and the following points were noted:

- The Trust Council Bylaw Compliance and Enforcement Policy references education and mediation as a means to achieve voluntary compliance, and this might be pointed out as an approach to address misleading information circulating in the community regarding bylaw enforcement;
- Clarity regarding the legal authority of Bylaw staff to issue eviction orders for residential tenancies was considered to be necessary in order to understand options which may or may not be available to Bylaw Compliance staff;
- Including an end or review date in a standing resolution is optional; the resolution may be rescinded at any time;
- A report on current Denman Island Bylaw Compliance and Enforcement files was suggested;
- Consideration was given to rescinding the standing resolution that addresses bylaw enforcement of unlawful dwellings during the public health emergency declared for COVID-19 as this is no longer applicable.

**DE-2022-070**

**It was MOVED and SECONDED,**

that the Denman Island Local Trust Committee request staff to prepare a report on the legal authority of staff to issue eviction orders for residential tenancies.

**CARRIED**

**DE-2022-071**

**It was MOVED and SECONDED,**

that the Denman Island Local Trust Committee, having reviewed Standing Resolution DE-2021-015, resolves that the Standing Resolution not be amended.

During discussion, a Trustee supported removal of the statement that it will be reviewed in one year's time for clarity.

**FAILED**

**Trustee Busheikin Opposed  
Trustee Critchley Opposed**

**DE-2022-072**

**It was MOVED and SECONDED,**

that Standing Resolution No. 7 DE-2019-056/DE-2021-015 regarding bylaw enforcement against unlawful dwellings be amended by removing the sentence "This Standing Resolution will be reviewed in one year's time".

**CARRIED**

**DE-2022-073**

**It was MOVED and SECONDED,**

that the Denman Island Local Trust Committee request the Bylaw Compliance and Enforcement Manager to report to the Denman Island Local Trust Committee about current or open files early in the next term.

**CARRIED**

**DE-2022-074**

**It was MOVED and SECONDED,**

that the Denman Island Local Trust Committee rescind Standing Resolution No. 9 DE-IC-2021-002.

**CARRIED**

**DE-2022-075**

**It was MOVED and SECONDED,**

that Standing Resolution No. 7 DE-2019-056/DE-021-015 be amended by adding at the end:

“And that site inspections for the purpose of gathering information and communication with property owners will continue;

And that the Denman Island Local Trust Committee may change this policy at any time and may give direction to resume enforcement activities”.

**CARRIED**

**By general consent** the meeting was recessed at 11:24 am and reconvened at 11:32 am.

## **9. APPLICATIONS, REFERRALS AND BYLAWS**

### **9.1 DE-DP-2022.1 (MacDonald) - Staff Report**

Planner Zupanec presented the staff report that asks the LTC to consider a Development Permit (DP) application for the construction of a single family dwelling and a veterinary clinic located within the Development Permit Area No. 5 – Village (DPA 5).

Discussion on the application followed:

- A Trustee expressed concern that noise associated with current or future use of the commercial property might create the possibility of conflict with close residential neighbouring properties, and inquired if conditions can be set for soundproofing or other measures to mitigate potential concerns;
- Staff advised that this type of development permit can only set conditions relating to form and character while zoning applications can set conditions on types of uses that can be more specific;
- The zoning bylaw does not explicitly identify veterinary clinics as a permitted use, however staff have interpreted this use to be permitted in the zone within one of the general categories of permitted uses; the current owner was sent a confirmation letter in 2020 from the Islands Trust prior to the purchase of the property stating that the zoning permitted residential use and commercial uses that would include veterinary use.

**DE-2022-076**

**It was MOVED and SECONDED,**

that the Denman Island Local Trust Committee approve issuance of Development Permit DE-DP-2022.1 for LOT C, SECTION 18, DENMAN ISLAND, NANAIMO DISTRICT, PLAN 10674 (PID 005-242-193).

Trustee Critchley stated that there is no disrespect intended toward the applicant, however expressed concern with possible future issues that could arise without conditions being placed on the commercial use. He would like to obtain a legal opinion to confirm that this Development Permit application is for a permitted use and if the Local Trust Committee is not obliged to issue it, then would be in favour of consideration of a rezoning application in order to set conditions to ensure a peaceful neighbourhood.

Trustee Busheikin commented that staff have analyzed the definition of commercial activity and ascertained that this fits within the definition; the question of whether the plans satisfy the

requirements of the Development Permit Area is what is before the Local Trust Committee for consideration, and the Guidelines for DPA 5 appear to be satisfied.

**CARRIED**

**Trustee Critchley Opposed**

Planner Zupanec commented that planning staff can discuss the concerns expressed by the Trustee regarding noise with the applicant.

## **9.2 Denman Island Proposed Fees Bylaw No. 245 - for consideration of Adoption - Report**

**DE-2022-077**

**It was MOVED and SECONDED,**

that the Denman Island Local Trust Committee Bylaw No. 245, cited as “Denman Island Local Trust Committee Fees Bylaw, 2022”, be adopted.

**CARRIED**

Trustee Busheikin stated that she voted in favour of this resolution in support of the collaborative work; however still thinks that some of these fees are too high and she is not comfortable with the degree that individual applicants are being asked to pay for permitting that should be covered by the tax base. She noted that it works against accessibility and affordability and she would be cautious about any further increases.

## **10. LOCAL TRUST COMMITTEE PROJECTS**

### **10.1 Projects List - Staff Report**

Regional Planning Manager Kauer introduced the staff report that asks the LTC to consider any changes to the Top Priorities and Projects List prior to the end of the current term, confirm endorsement of the 2023/2024 budget case for the Housing Review project, and presents a reorganization by category of the Projects List.

Trustees’ discussion included the following:

- The status of the Model Cell Tower Strategy was uncertain and Trustees considered that review of the strategy would be helpful to inform a decision regarding its placement on the Work Program;
- The status of the Development Approval Information Bylaw was uncertain; its completion is required to finalize the Development Procedure Bylaw No. 71;
- The topic of travel trailers may be removed from the Projects List as it is included in the Housing Review Top Priority; and the topic of floor area limitation could be added to the Housing Review In Scope category;
- There has been no interest in the Ocean Loop Geo-Exchange Systems potential project;
- Additional support for community engagement in Phase 2 of the OCP and LUB Housing Review was considered and an increase to the Budget Funding Request Short-Form Business Case was suggested;
- Staff will correct the name of the Denman OCP and LUB Housing Review to remove “and Short Term Rentals” in the Budget Funding Request Short-Form Business Case and elsewhere that it may appear.

**DE-2022-078****It was MOVED and SECONDED,**

that the Denman Island Local Trust Committee amend the Denman Island Housing Review Project Charter by adding to “In Scope” the bullet point “Regulations to limit the gross floor area of a dwelling or dwellings”.

**CARRIED****DE-2022-079****It was MOVED and SECONDED,**

that the Recommended Local Trust Committee Project List (Attachment 2) be amended by removing Ocean Loop Geo Exchange Systems, Floor Area and Travel Trailers from the Land Use Bylaw Amendments Category.

**CARRIED****DE-2022-080****It was MOVED and SECONDED,**

that the Denman Island Local Trust Committee add to the Recommended LTC Project List under Category 3 Official Community Plan & Land Use Bylaw Amendments “Forest Eco System Protection” and that the Activity include “Implement the Coastal Douglas Fir and Associated Eco Systems Protection Tool Kit” and “Consider measures to protect Garry Oak Ecosystems”.

**CARRIED****DE-2022-081****It was MOVED and SECONDED,**

that the Recommended Local Trust Committee Project List be amended to add “Freshwater Strategy” to Category 3, and that the Activity include “Incorporate into land use planning”.

**CARRIED****DE-2022-082****It was MOVED and SECONDED,**

that the Denman Island Local Trust Committee request staff to bring the Model Cell Tower Strategy to the next Denman Island Local Trust Committee meeting.

**CARRIED****DE-2022-083****It was MOVED and SECONDED,**

that the Denman Island Local Trust Committee request staff to bring a status report on the Development Approval Information Bylaw to the next Denman Island Local Trust Committee meeting.

**CARRIED****DE-2022-084****It was MOVED and SECONDED,**

that the Denman Island Local Trust Committee endorse the “Top Priorities List” and “Projects List” as amended on July 19, 2022 for further consideration by the incoming Local Trust Committee.

**CARRIED**

**DE-2022-085****It was MOVED and SECONDED,**

that the Budget Funding Request Short-Form Business Case for the Denman Official Community Plan and Land Use Bylaw Housing Project be amended by changing the number \$2,000 for development of communication and educational info/Community Information Meeting(s) Public Hearing to \$12,000.

**CARRIED****DE-2022-086****It was MOVED and SECONDED,**

that the Denman Island Local Trust Committee endorse the Business Case dated July 6, 2021 for the Denman Housing Review project for fiscal year 2023/24 as amended, and request that staff forward it to the Director of Administrative Services.

**CARRIED****10.2 Denman Housing Regulations Review Project - verbal update**

Planner Zupanec reported that selection of the consultant to oversee the engagement is near completion. She provided an estimated time line for the process and suggested that the Advisory Planning Commission work with the planner and consultant in an informal manner starting in August, 2022 to develop an engagement plan for LTC consideration in the fall. Public engagement will take place in the fall/winter with a final report of recommendations provided to the LTC in March, 2023.

**DE-2022-087****It was MOVED and SECONDED,**

that the Denman Island Local Trust Committee request staff to advise the members of the Advisory Planning Commission that the Denman Housing Review Project is commencing and that the Local Trust Committee encourages the voluntary participation of Advisory Planning Commission members in 1-3 working group meetings to assist the consultant and staff in the development of an engagement plan and review of draft housing recommendations to the Local Trust Committee between August 2022-March 2023.

**CARRIED****11. CORRESPONDENCE - none**

(Correspondence received concerning current applications or projects is posted to the LTC webpage)

**12. NEW BUSINESS**

**By general consent** item 12.1 Hybrid and Digital Meetings was added to the agenda.

**12.1 Hybrid and Digital Meetings**

Trustees discussed the benefits that might be achieved by holding LTC meetings in a fully hybrid manner. They noted that poor internet connectivity in the meeting location currently limits the ability to hold such meetings and proposed that investigation of the potential cost savings might inform a decision in this matter.

A resolution requesting staff to research options for enhancing Wi-Fi at the Denman Activity Centre was passed at the May LTC meeting; staff will follow up on this issue.

**DE-2022-088**

**It was MOVED and SECONDED,**

that the Denman Island Local Trust Committee request staff to bring a brief report on cost savings on hybrid and digital meetings to the next Local Trust committee meeting.

**CARRIED**

**13. REPORTS****13.1 Trust Conservancy Report dated May, 2022**

Received

**13.2 Applications Report dated July 11, 2022**

Planner Zupanec reported that the Denman Green project has been forwarded for Ministerial approval and that Denman Housing Association is working with the province to finalize the license for ground water in the meantime.

There was no new information on the Pepper Lane project; staff continue to await the applicant's direction to advance to next steps.

**13.3 Trustee and Local Expense Report dated May, 2022**

Received

**13.4 Adopted Policies and Standing Resolutions**

Received and discussed at agenda item 8.2.

**13.5 Local Trust Committee Webpage**

There were no additions or changes requested.

**14. WORK PROGRAM****14.1 Top Priorities Report dated July 11, 2022**

Received

**14.2 Projects List Report dated July 11, 2022**

Received and discussed at agenda item 10.1.

**15. INFORMATION ITEMS****15.1 The Climate Projections Report for Islands Trust Area**

<https://islandstrust.bc.ca/document/climate-projections-for-islands-trust-area-report-2020/>

Received

**15.2 2022 Community Stewardship Awards**

Received



**15.3 Conservancy Current Campaigns**

<https://islandstrust.bc.ca/conservancy/current-campaigns/>

Received

**15.4 Resources for Candidates in 2022 Local Election**

<https://islandstrust.bc.ca/about-us/governance/2022-local-election/#1655569833235-b0159421-d58a>

Received

**16. UPCOMING MEETINGS**

**16.1 Next Regular Meeting Scheduled for Tuesday, September 27, 2022 at 10:30 am at Denman Activity Centre, 1111 Northwest Road, Denman Island, BC**

LTC members confirmed the next regular meeting date, time and location.

**17. CLOSED MEETING**

**17.1 Motion to Close the Meeting**

**DE-2022-089**

**It was MOVED and SECONDED,**

that the meeting be closed to the public in accordance with the *Community Charter*, Part 4, Division 3, s.90(1) (d) for the purpose of adoption of In-Camera Meeting minutes dated November 2, 2021 and that the recorder and staff attend the meeting.

**CARRIED**

The meeting closed at 1:19 pm.

**17.2 Recall to Order**

**By general consent** the meeting was recalled to order at 1:20 pm.

**18. ADJOURNMENT**

**By general consent** the meeting was adjourned at 1:20 pm.

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Sue Ellen Fast, Chair

Certified Correct:

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Vicky Bockman, Recorder